



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

Inventor(s): William Sobonya
 Application No.: 10/736,405
 Confirmation No.: 6233
 Filed: December 15, 2003
 Examiner: Ruddock, Ula Corinna
 Art Unit: 1771
 Last Office Action: March 22, 2006
 Title: **EMBOSSSED FILM WITH
ADHESIVE OR WITHOUT ADHESIVE OR
LAMINATED TO BOTTOM NON-SLIP SURFACE
TO SIMULATE A LEATHER OR LINEN TEXTURE
FOR LINING SHELVES AND DRAWERS**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 20, 2006.

June 22, 2006
(Date of deposit)

Kathleen A. Nimrichter
(Signature)

June 22, 2006
Date of Signature

MAIL STOP AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**DECLARATION UNDER 37 CFR
1.132**

Dear Sir:

The undersigned declares as follows:

1. My name is William Sobonya. I am currently the National Account Team Leader of Henkel Consumer Adhesives (Henkel). I have been the National Account Team Leader of Henkel since 2003.
2. I am the inventor of the invention described in the above-captioned patent application and am familiar with it.
3. I am familiar with the marketplace for shelf and drawer linings and have been familiar with it for the past 8 years.
4. Henkel began selling shelf and drawer linings in 1994 in the United States. These early shelf and drawer linings did not include the combination of

features including either a non-slip bottom surface or an adhesive bottom surface covered by a removable covering, a vinyl film having a textured finish resembling a leather or linen texture adhered to the vinyl film, and a clear polypropylene protective layer adhered to the vinyl film.

5. To the best of my knowledge, prior to about 2002, coverings or liners including a non-slip bottom surface, a vinyl film having a textured finish resembling a leather or linen texture adhered to the vinyl film, and a clear polypropylene protective layer adhered to the vinyl film were not known in the United States.

6. To the best of my knowledge, prior to about 2002, coverings or liners including an adhesive bottom surface covered by a removable covering, a vinyl film having a textured finish resembling a leather or linen texture adhered to the vinyl film, and a clear polypropylene protective layer adhered to the vinyl film were not known in the United States.

7. On or about 2003, Henkel began selling simulated leather and simulated linen shelf coverings and liners including either a non-slip bottom surface or an adhesive bottom surface covered by a removable covering, a vinyl film having a textured finish resembling a leather or linen texture adhered to the vinyl film, and a clear polypropylene protective layer adhered to the vinyl film in the United States. They differed from previous coverings and liners based on the listed combination of features.

8. The above-described simulated leather and simulated linen shelf coverings and liners including either a non-slip bottom surface or an adhesive bottom surface covered by a removable covering, a vinyl film having a textured finish resembling a leather or linen texture adhered to the vinyl film, and a clear polypropylene protective layer adhered to the vinyl film were an immediate success and had the following unit sales and gross receipts for the years given in the following table which represents total sales for the above-described simulated leather and simulated linen shelf coverings:

Year	Gross Shipments	Units Shipped
Latter half 2003	\$102,866	31,993
2004	\$425,609	135,753
2005	\$465,346	136,988
YTD through May 2006	\$291,612	91,543

9. Based on metrics commonly used at Henkel to determine the relative success of a new product, the above-provided unit sales and gross receipts are indicative of a successful product. Retailers have indicated that they like the product and that the product has innovative features. The product is considered a specialty product and consequently generates higher unit profits than higher volume smooth surface coverings or liners.

10. No extensive advertising was conducted on the simulated leather or linen shelf coverings and liners. The products were described in Henkel's catalog, on Henkel's website, and at professional meetings. The products were described in point of sale materials and, possibly, in retailer advertisements. Henkel did not place print, television or other consumer directed advertising for these products.

11. In my opinion, the commercial success of the simulated leather or linen shelf coverings and liners is due solely to their attractive appearance, durability, and ease of use. Potential users of these shelf liners, upon being exposed to them at retail locations, immediately realize that the combination of features described above address their need for an improved shelf liner.

12. The commercial success of the simulated leather or linen shelf coverings and liners and the long-felt but unmet need for such coverings and liners attest to the non-obviousness of the subject matter disclosed in the above-captioned application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By William A. Sobanya
Printed Name: William A. Sobanya
Date: 6/20/2006